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PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

3

Application Number 09/928,563

Filing Date 08/13/2001

First Named Inventor Elliot Karl Kolodner

Art Unit 2161

Examiner Name Leroux, Etienne Pierre

Attorney Docket Number GB920000100US1

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
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| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
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| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Holland + Knight LLP

Signature *Michael J. Buchenhorner*

Printed name Michael J. Buchenhorner

Date Aug. 3, 2005

Reg. No. 33,162

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

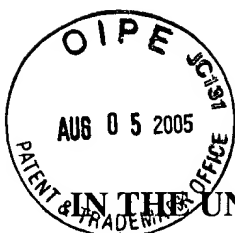
Signature *Michael J. Buchenhorner*

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Date Aug. 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/928,563
Applicant : Elliot Karl Kolodner
Filed : 08/13/2001
TC/A.U.: : 2161
Examiner : Leroux, Etienne Pierre
Docket No. : GB920000100US1
Customer No. : 34,663
For : Computer System with Two Heaps in
: Contiguous Storage

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the final rejection dated May 19, 2005, finally rejecting claims 1-3,5,6,1-0-16,18,19,23-29,31,32, and 36-39. The Commissioner is hereby authorized to charge the \$500.00 fee and any additional fees to Deposit Account No. 50-0510.

In a telephone conversation with Examiner Etienne Pierre Leroux on August 2, 2005, the undersigned was told that the above-captioned patent application was allowed based on an amendment made May 3, 2005, and that no petition for extension of time would be required for filing a document responsive to the final office action such that the application is not abandoned. Applicant has not received a notice of allowance even though PAIR appears to indicate that the status of the application is "allowed." Therefore, Applicant does not believe that any extension time is required. However, in the event that an extension of time were required, applicant petitions the Commissioner for the required extension and authorizes the Commissioner to charge the additional fees to Deposit Account No. 50-0510.


08/08/2005 MBERHE 00000024 500510 09928563

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Docket No. GB920000100US1

Serial No. 09/928,563

Respectfully submitted,



Michael J. Buchenhorner

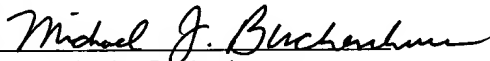
Reg. No. 33,162

Date: August 3, 2005

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Michael J. Buchenhorner

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